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OFFICE OF PETITIONS

In re Application of : DECISION ON PETITION  
Malaubier, et al. :  
Application No. 10/538,701 :  
Filed: November 18, 2005 :  
Atty. Dkt. No.: VA30429 :

This decision is in response to the petition under 37 CFR 1.137(b), filed October 5, 2010.

The petition is **GRANTED**.

The application became abandoned September 3, 2009 for failure to timely submit a proper reply to the non-final Office action mailed June 2, 2009. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed August 11, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 3743 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

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